IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 24085 of 2007(P)

OS.66/2003 OF MUNSIFF COURT, MAVELIKKARA
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PETITIONERS:
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1. **PURUSHAN, CHARUVIL PUTHEN VEEDU, VAYYANKARA MURI, THAMARAKULAM VILLAGE.**
2. **SANTHAKUMARI, CHARUVIL PUTHEN VEEDU, VAYYANKARA MURI, THAMARAKULAM VILLAGE.**

BY ADV. SRI.P.SREEKUMAR, SRI.K.S.MANU (PUNUKKONNOOR).

RESPONDENTS:
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1. **BHASKARAN, S/O.NARAYANAN, REMYALAM VEEDU, THAMARAKULAM KIZHAKKUM MURI, THAMARAKULAM VILLAGE.**
2. **RAGHAVAN, S/O.NARAYANAN, PUTHIYAVEETTIL, KARUMULACKAL MURI, CHUNAKKARA VILLAGE.**
3. **OMANA, W/O.RAGHAVAN, PUTHIYAVEETTIL, KARUMULACKAL MURI, CHUNAKKARA VILLAGE.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C) No. 24085 OF 2007 P

Dated this the 9th August, 2007.

JUDGMENT

This writ petition is filed seeking to set aside the order passed by the Munsiff, Mavelikkara in I.A.200/07 in O.S.66/03. The petition is one for impleadment of defendants 5 to 9 in the suit. They are government officials and survey authorities. It is recorded in the order that the same re-survey number is seen allotted to defendants 3 and 4 which is seen from the plan obtained from the taluk office. So, the same re-survey number is given for two persons which means that there is a mistake somewhere and in order to clear that plaintiff wanted to implead the governmental authorities for a proper determination of the matter. One cannot find fault with such approach of the plaintiff. For having a resolution to the dispute the court may not be in a position to solve the dispute between the plaintiff and defendants, unless it is done. It is a settled principle that a person can be impleaded as a party when it is necessary to resolve the controversy between the parties. What the court below has precisely done is to achieve that object. By impleadment of defendants 5 to 9 no right of the defendant is taken away nor does it change the burden of proof cast upon the

plaintiff. It is also to be stated that a plaintiff is the master of the suit. The court, after applying its mind has definitely come to the conclusion that junction of defendants 5 to 9 are also necessary. I do not find anything to interfere with the said order and therefore the same is dismissed. It is made clear that since defendants 5 to 9 are impleaded as additional defendants in order to rectify the mistake of re-survey number if any, the contesting other defendants also must be given sufficient opportunity to put forth their contentions so as to arrive at a correct decision. With these observations the writ petition is dismissed.

M.N.KRISHNAN
Judge

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